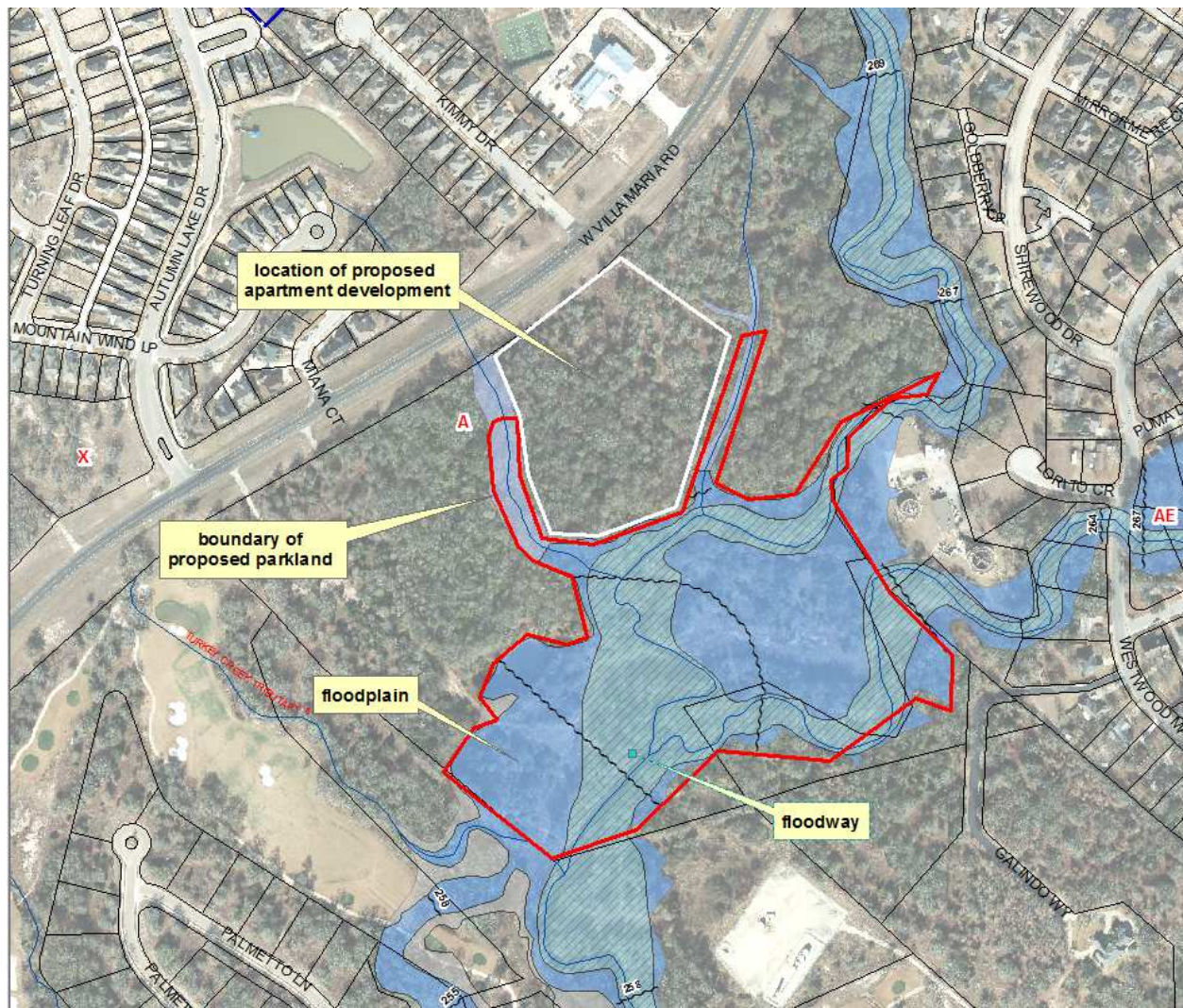


**PLANNING AND ZONING COMMISSION
STAFF REPORT**

August 15, 2013



Proposed Parkland Dedication: Regency Gardens Apartments – The Galindo Group



BACKGROUND:

Mr. Ramiro Galindo, Chairman and CEO of The Galindo Group, is proposing to develop a 200-unit apartment development on 6.51 acres of land on the south side of West Villa Maria Road, across from its intersection with Kimmy Drive. The development is part of a 50-acre master planned mixed-use development for which the City Council approved a Planned Development – Mixed Use District (PD-M) on August 6, 2013. A final plat creating the lot on which the apartment development is proposed to be located was approved by the Planning and Zoning Commission on July 18, 2013.

Bryan's Subdivision Ordinance requires the dedication of parkland for all residential developments.¹ The intent is to acquire land suitable for park and recreation uses so that community/neighborhood parks may be developed. For multiple-family residential developments, the dedication of one acre of parkland per 90 dwelling units is required. When an area of less than six acres is required to be dedicated, the Subdivision Ordinance allows for the City to refuse the dedication and require the payment of fees in lieu of dedication at a rate of \$133 per dwelling unit.²

Guidelines for the dedication of parkland are included in Subdivision Ordinance Section 110-60(f). These guidelines suggest that parkland should

- be located adjacent to schools where feasible;
- have access to adjoining subdivisions;
- be screened from abutting nonresidential use; and
- provide a maximum exposure to public areas, including a minimum of 200 feet of continuous frontage on a dedicated public street.

In the case of this proposed 200-unit multiple-family residential development, the Subdivision Ordinance requires the dedication of 2.22 acres of parkland and the payment of \$58,400 in park development fees.³

Mr. Galindo is proposing to dedicate about 20 acres of land that wraps around the site of the proposed apartments on the south side of West Villa Maria Road. The land also adjoins City parkland and other City-owned land at the western edge of the Shirewood Subdivision, as shown on the maps included with this staff report. Most of the land proposed to be dedicated as parkland is located in regulated floodplain and floodway areas. Standards for dedication of parkland stipulate that

*consideration will be given to land that is in the floodplain or may be considered "floodable" even though not in the federally regulated floodplain as long as due to its elevation, it is suitable for park improvements.*⁴

On June 18, 2013, the Parks and Recreation Advisory Board voted unanimously to refuse the dedication of the land and instead require the payment of the fee in lieu of dedication to satisfy dedication requirements for the proposed apartment development.

The Planning and Zoning Commission is now asked to also make a recommendation regarding the proposed 20-acre dedication, before the matter is presented to the City Council for final approval.

PLANNING AND ZONING COMMISSION OPTIONS:

The Planning and Zoning Commission may recommend that the City Council:

1. accept the dedication of these approximately 20 acres of land for parkland use, as proposed; or
2. accept the dedication of only a specific portion of this land as parkland; or
3. not accept the dedication of parkland and require the payment of fees in lieu thereof.

¹ In addition to land dedication, the payment of park development fees is required. For multiple-family residential developments, the fee is \$292 per dwelling unit (110-60(d)). The money is intended for the development of the land for neighborhood park purposes.

² Subdivision Ordinance Sections 110-60(f)(1) and 110-60(c)(3)b.

³ Fees in lieu of parkland dedication for a 200-unit apartment development would be \$26,600.

⁴ Subdivision Ordinance Section 110-60(f)(1).